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Committee on Relations with the Host Country

Letter dated 19 December 2005 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

I have the honour to enclose a copy of the note verbale that has been sent to the United States Mission to the United Nations in response to the Mission's note of 13 December 2005 regarding measures to be imposed by the New York City authorities on the permanent missions to the United Nations in connection with the possible transit strike (see annex). I kindly ask you, in your capacity as Chairman of the Committee on Relations with the Host Country, to circulate the present letter and its annex as a document of the Committee.

(*Signed*) Andrey **Denisov**

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Annex to the letter dated 19 December 2005 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

The Permanent Mission of the Russian Federation to the United Nations presents its compliments to the United States Mission to the United Nations and, referring to the latter's note verbale of 13 December 2005, has the honour to express its profound concern over the measures to be imposed by the New York City authorities on the permanent missions to the United Nations in connection with the transit strike.

The residential compound of the Russian Mission is located in Riverdale, in the Bronx, and the absolute majority of our personnel (more than 100 persons) have to enter Manhattan to get to the office and the United Nations Headquarters. Moreover the location of the Mission's official building on 67th Street presupposes the availability of a car fleet to ensure transportation to and from the United Nations. Buses used by this Mission cannot solve the problem due to the number of our diplomatic staff.

With due understanding of the importance of cooperation with the City of New York in protecting the public health and safety of all City residents, this Mission nevertheless believes that some measures, above all the HOV-4 requirement for entry to and exit from Manhattan, if applied to diplomatic agents, are inconsistent with the basic norms of international law and obligations of the host country vis-à-vis the privileges and immunities of diplomatic missions.

Under the 1947 Headquarters Agreement between the United Nations and the Government of the United States (section 11) "The federal, state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district of (1) representatives of Members or officials of the United Nations".

Furthermore, article 26 of the 1961 Vienna Convention on Diplomatic Relations reads: "Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure to all members of the mission freedom of movement and travel in its territory".

Leaving aside security related problems and viability questions, the requirement to transport passengers to or from Manhattan contradicts article 35 of the Vienna Convention providing for that "The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever ...".

Finally, the Russian Mission wishes to remind the Committee that, according to, inter alia, section 25 of the Headquarters Agreement, "Wherever this agreement imposes obligations on the appropriate American authorities the Government of the United States shall have the ultimate responsibility for the fulfilment of such obligations by the appropriate American authorities".

The Russian Mission therefore expects that, according to the host country obligations, the United States Mission will take all necessary and timely steps to ensure the full and strict compliance with international law by the New York City authorities.

New York, 19 December 2005